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Dkt. 0575/44012-AB/JPW/AJM/MML

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eric A. Schon

RECEIVED

Serial No. : 10/086,489

MAR 11 2004

Filed : February 28, 2002

OFFICE OF PETITIONS

For : METHOD TO DETECT MUTATIONS IN A NUCLEIC ACID
USING A HYBRIDIZATION-LIGATION PROCEDURE

1185 Avenue of the Americas
New York, New York 10036
March 4, 2004

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

**PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(b)**

This petition is made in response to the February 6, 2004 Notice of Abandonment issued in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit A**. From the Notice of Abandonment, applicant understands that applicant's June 17, 2002 reply to the April 17, 2002 Notice to comply with the sequence rules was deemed non-responsive, therefore resulting in abandonment.

Applicant hereby petitions to revive the subject abandoned application pursuant to 37 C.F.R. §1.137(b). A grantable petition under this paragraph must be accompanied by (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in §1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was

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unintentional; and (4) any terminal disclaimer required pursuant to 37 C.F.R. §1.137(d).

In satisfaction of the requirements for a grantable petition under 37 C.F.R. §1.137(b), applicant has enclosed as **Exhibit B** (including **Exhibits 1-3** and a computer diskette containing the sequence listing) the required reply to the April 17, 2002 Notice issued in connection with this application. Applicant submits that the entire delay in filing this reply from the due date for the reply until the filing of this petition was unintentional. Specifically, applicant's undersigned attorney believed that the June 17, 2002 reply was responsive to the April 17, 2002 Notice, and was not aware of any deficiency in that reply until receiving the Notice of Abandonment. A check in the amount of \$665.00 is also enclosed, which amount is the fee to revive an unintentionally abandoned application required under 37 C.F.R. §1.137(b).

Applicant understands that no terminal disclaimer is required under 37 C.F.R. §1.137(d) in connection with the filing of this petition.

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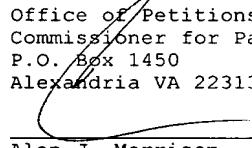
No fee, other than the enclosed \$665.00, is deemed necessary in connection with the filing of this Petition. However, if any other fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,


John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450


Alan J. Morrison
Reg. No. 37,399

3/4/09
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/086,489	02/28/2002	Eric A. Schon	44012-AB

John P. White
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

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MAR 11 2004

OFFICE OF PETITIONS



CONFIRMATION NO. 3756
FORMALITIES LETTER



OC000000007882674

Date Mailed: 04/17/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 PO. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/086,489	02/28/2002	Eric A. Schon	44012-AB

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CONFIRMATION NO. 3756
 ABANDONMENT/TERMINATION
 LETTER



OC000000011850072

Date Mailed: 02/06/2004

NOTICE OF ABANDONMENT

RECEIVED

UNDER 37 CFR 1.821(g)

MAR 11 2004

OFFICE OF PETITIONS

Applicant's reply received on 06/24/2002 is acknowledged.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY